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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABHINAV BHATNAGAR,

Plaintiff,

vs.

JASON INGRASSIA, individually and in  
his official capacity; COUNTY OF  
CONTRA COSTA; and CITY OF  
SAN RAMON.

Defendants.

Case No.: Case No. CV07-02669 (CRB)

**AFFIDAVIT OF JENNY HUANG  
IN RESPONSE TO DEFENDANT  
INGRASSIA'S OPPOSITION BRIEF ON  
PLAINTIFF'S MOTION *IN LIMINE***

I, JENNY HUANG, state under penalty of perjury as follows:

1. I am counsel for Plaintiff Abhinav Bhatnagar in the above-referenced action. I submit this affidavit in support of Mr. Bhatnagar's Reply to Defendant Ingrassia's Opposition Brief on Plaintiff's Motion *In Limine*.

2. Attached hereto as Exhibit 1 is a true and accurate copy of a sworn statement provided by Defendant Ingrassia to assist the Department of Motor Vehicles in its proceedings to suspend the driver's license of Mr. Bhatnagar.

1           3.       On or about May of 2007, I called the clerk of the Contra Costa County Superior  
2 Court to inquire about the status of the criminal proceedings in *People v. Raymond Eli*, Case No.  
3 128472-8. I was informed that a hearing was scheduled for October 5, 2007 to hear the appeal of  
4 Judge Kolin's suppression order.  
5

6           4.       In response to the limited discovery conducted by Mr. Bhatnagar in this case, the  
7 municipal defendants produced documents indicating that Mr. Eli filed a notice to pursue civil  
8 claims arising from his arrest by Defendant Ingrassia. These documents further show that in  
9 May of 2007, the County of Contra Costa settled Mr. Eli's civil claims prior to the initiation of  
10 any litigation by Mr. Eli.  
11

12           5.       Upon information and belief, the prosecution did not subsequently pursue its right  
13 to appeal Judge Kolin's suppression order, dated February 5, 2007, in *People v. Raymond Eli*,  
14 Case No. 128472-8.  
15

16           6.       In October of 2007, Defendant Ingrassia sought to depose Richard Ha but asserted  
17 his right to attend this deposition, in spite of Mr. Ha's assertions of ongoing harassment and  
18 intimidation by the deputy and other officers.  
19

20           7.       By order dated December 28, 2007, Judge Breyer granted in part Plaintiff's  
21 Motion for Protective Order by excluding the deputy from the deposition room of the witness.  
22 Pursuant to the court's order to meet and confer regarding the logistical matters for Mr. Ha's  
23 deposition, I repeatedly attempted to communicate with counsel for Defendant Ingrassia to  
24 reschedule and proceed with Mr. Ha's deposition. To date, defense counsel has not expressed  
25 any interest in rescheduling the deposition of Mr. Ha.  
26

27           8.       Prior to the court's order excluding Defendant Ingrassia from the deposition of  
28 Mr. Ha, the deputy's counsel vigorously sought to depose Mr. Ha prior to the mediation

1 conference between the parties. Since the court's order excluding the deputy from the deposition  
2 room of Mr. Ha, Defendant Ingrassia has apparently lost interest in taking the deposition of this  
3 key witness.

4  
5 9. Instead, I was contacted by Mr. Fitzgerald's secretary last week, for the purpose  
6 of scheduling depositions in May of unidentified attorney's from the Contra Costa County's  
7 Office of the Public Defender.

8  
9 10. Attached hereto as Exhibit 2 is a true and accurate copy of a felony complaint  
10 filed in the currently pending case of *People v. Diego Diaz, Damon Moses*, Contra Costa County  
11 Superior Court Case No. 130194-4. This document indicates that the criminal charges involved  
12 in this case are for possession and transportation of cocaine, in violation of Penal Code §§  
13 11350(a) and 11352(a).

14  
15 11. Attached hereto as Exhibit 3 is a true and accurate copy of the suppression motion  
16 filed in *People v. Diego Diaz, Damon Moses* on August 9, 2007, which states that Defendant  
17 Ingrassia executed a traffic stop on the defendants in that case, he allegedly pat-searched the  
18 passenger of the vehicle in violation of his constitutional rights, and then arrested both  
19 defendants.

20  
21 12. Attached hereto as Exhibit 4 is a true and accurate copy of the Clerk's Docket and  
22 Minutes from a hearing conducted on September 27, 2007 in *People v. Diego Diaz, Damon*  
23 *Moses*. This minute order indicates that Assistant District Attorney Paul Sequeira appeared as  
24 the district attorney of record in this case.

25  
26 13. Attached hereto as Exhibit 5 is a true and accurate copy of information I printed  
27 from the website of the District Attorney's Office in Contra Costa County. As indicated in this  
28

1 document, Paul Sequeira holds the position of Assistant District Attorney for Contra Costa  
2 County and supervises the office's Felony Trial Team Division.

3 14. I conducted an internet search to determine caliber of criminal cases typically  
4 assigned to Mr. Sequeira. A simple internet search showed that Mr. Sequeira is a veteran  
5 prosecutor who typically prosecutes the county's high-profile murder cases. Most recently, Mr.  
6 Sequeira served as the prosecutor of record in the nationally publicized murder trial against  
7 Susan Polk.  
8

9 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
10 April 18, 2008 in Oakland, California.  
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14 /s/ Jenny Huang

15 JENNY HUANG  
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